

# 2011

Executive  
Ethics Board

## [PERFORMANCE MEASURES]

A report regarding performance measures on the efficiency and effectiveness of the Board, and performance measures to measure and monitor the ethics and integrity of all state agencies.

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## *Executive Summary*

The 2011-2013 Operating Budget mandated that the Executive Ethics Board (“the Board”):

- (a) develop a statewide plan, with performance measures, to provide overall direction and accountability in all executive branch agencies and statewide elected offices;
- (b) coordinate and work with the commission on judicial conduct and the legislative ethics board;
- (c) assess and evaluate each agency's ethical culture through employee and stakeholder surveys, review Washington State Quality Award feedback reports, and publish an annual report on the results to the public; and
- (d) solicit outside evaluations, studies, and recommendations for improvements from academics, nonprofit organizations, the public disclosure commission, or other entities with expertise in ethics, integrity, and the public sector.<sup>1</sup>

This report documents how the Board fulfilled the requirements of the Legislative mandate as follows:

- (a) The Board developed a method to rate each agency’s ethics program, compared Washington’s program with others across the country to benchmark our program and deployed a survey to gather the input of agency leaders and employees. (See the Benchmarking against Other Ethics Boards, Scorecard and Surveys sections.)
- (b) The Board collaborated on several ventures with the Public Disclosure Commission, the Commission on Judicial Conduct and the Legislative Ethics Board. (See the Coordinating with Others section.)
- (c) The Board developed and deployed surveys to all state employees under their jurisdiction to gather information about individual agency’s ethical culture. The Board used the Washington State Quality Award criteria to evaluate its own performance. (See the Surveys, Scorecard and Elements of the Washington State Quality Award Criteria sections.)
- (d) The Board compared its performance against other local government ethics boards and commissions. The Board also created a public survey to gather citizens’ opinions and perceptions of the Board’s duties and responsibilities. The Board joined the Northwest Ethics Network to learn about other ethical programs in both the public and private sector. (See Benchmarking against Other Ethics Boards, Surveys and the Coordinating with Others sections.)

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<sup>1</sup> Second Engrossed Substitute House Bill 1087, Section 125 (12).

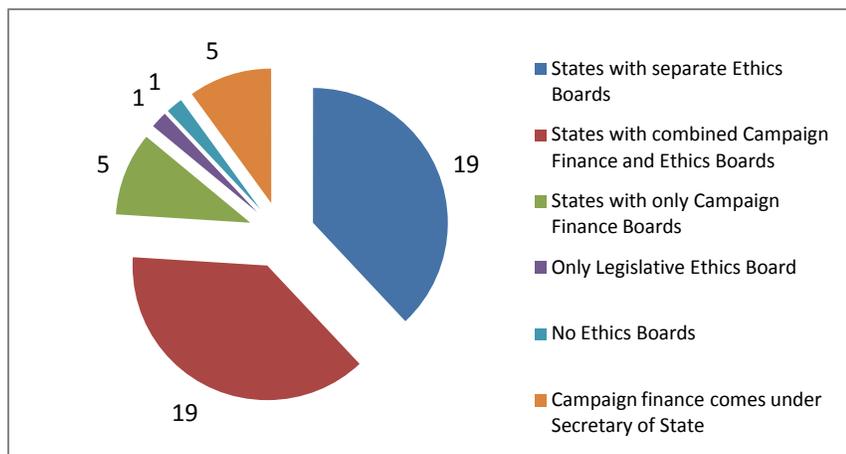
Noteworthy findings:

- The Board's performance regarding the amount of training performed and investigations conducted was at or better than the performance of 24 other state executive ethics boards, even though Washington's Board has a 49 percent smaller budget and a 21 percent smaller staff than the average of these other boards.
- Thirty-one percent of large state agencies have an exemplary ethics program, receiving a rating of five stars; 60 percent of state agencies have robust programs, earning a rating of three to four stars.
- Perception of the state's ethical culture improved over the past year.
- The Board trained more employees than last year and, according to employee evaluations, offered very effective courses.
- Board staff investigated very complex cases in spite of vacancies and increased workload.

# **Benchmarking Against Other Ethics Boards and Commissions**

Established in 1995, the Washington State Executive Ethics Board (“the Board”) is comprised of five members appointed by the Governor for five-year terms. The Board is an independent agency, but the Board’s staff is funded and supported through the Attorney General’s Office.

States are split almost equally on whether they have a separate Ethics Board, or one combined with campaign finance and elections. Five states only have a campaign finance/elections commission. Of the remaining seven states, five have their elections integrated within their Secretary of State’s office, one only has a legislative ethics board and one has no ethics commission at all.



## Budget

Forty state ethics programs, including some with a public disclosure commission and a legislative ethics boards, have an average budget of \$1,468,660 with a range between \$178,000 (Delaware State Public Integrity Commission) and \$8,298,000 (California Fair Political Practices Commission).<sup>2</sup>

To determine how the Washington State Executive Ethics Board compared to other state ethics boards, the Board compared itself against 14 other states. As portrayed in the table below, the average annual budget of all of the boards used in this comparison was \$1,647,567.33 with an average of 11 staff members.<sup>3</sup>

Washington’s Executive Ethics Board has an annual operating budget of \$386,040 (77 percent *lower* than the average) and 3 staff members. While, based upon these numbers, the Washington Board ranks 7<sup>th</sup> in the number of state employees over whom it has jurisdiction, it ranks 14<sup>th</sup> (next to last) in the amount it receives in its annual operating budget.

<sup>2</sup> National Conference of State Legislatures, <<http://www.ncsl.org/Default.aspx?TabID=746&tabs=1116,84,212#212>>.

<sup>3</sup> The Council on Governmental Ethics Laws, “COGEL Blue Book: 2010 Ethics Update,” 32<sup>nd</sup> Annual Conference, Dec. 5-8, 2010, Washington DC.

State	# of Board staff	# Board members	Annual budget	Number of State employees <sup>4</sup>
Illinois	7	9	\$8,200,000	105,848
Florida	21	9	\$2,411,216	170,261
Ohio	21	6	\$2,102,851	115,342
Connecticut	18	9	\$1,826,828	53,451
Alabama	14	5	\$1,784,401	80,086
Georgia	19	5	\$1,606,602	109,633
North Carolina	14	8	\$1,399,717	132,097
New Jersey	12	7	\$994,000	137,558
Maryland	9.5	9.5	\$914,839	80,260
Hawaii	9	5	\$813,170	53,439
Nevada	5	8	\$680,000	25,344
Mississippi	8	8	\$603,586	51,483
Kentucky	6	5	\$500,000	70,296
<b>Washington</b>	<b>3</b>	<b>5</b>	<b>\$386,040</b>	<b>100,548</b>
Colorado	2	5	\$276,300	53,739

### *Staff*

The ethics boards listed above had an average of 11 staff members. In contrast, the Washington Board has three full-time employees. The Washington Board ranks 14<sup>th</sup> (next to last) in the number of Board staff it has to support its statutory mission.

### *Board Members*

The compared state executive ethics boards had an average of six board members, while Washington's Board only has five members<sup>5</sup>.

### *Opinions*

Opinions are an ethics board's interpretation of an ethics law and function to clarify ambiguities or unforeseen events, for example, new technology. The Board publishes formal advice when the issue impacts multiple agencies, but also provides informal advice on specific issues that only impact one employee or one agency. Board staff are also authorized to provide informal staff advice, which is not binding on the Board. The Board's advice creates a precedent and impacts future adjudication. For 2010, other states published an average of 41 opinions. The Board published five formal opinions in 2010, but also initiated a project to review all of the opinions that had been previously published to ensure that the opinions were still current and accurate. In 2011, the Board reviewed 16 of these opinions; many of these reviews spanned several Board meetings. During 2011, Board staff responded to over 950 requests for informal Board staff advice.

<sup>4</sup> Source: 2010 Annual Survey of Public Employees and Payroll published by the U.S. Census Bureau. Totals include higher education employees, but do not include elementary and secondary education employees.

<sup>5</sup> One Board position was vacant for most of 2011.

## Investigations

On average, other ethics boards and commissions investigated 75 cases in 2010. In January 2010, the Board had 77 open cases. During the next twelve months, the Board opened 73 new cases and completed investigations on 135 of those cases. Of those 135 cases, the Board dismissed 123 and settled 12 cases with agreed stipulations, levying over \$130,000 in monetary penalties. Monies received as payment of these penalties are deposited into the state's general fund. At the end of 2011, the Board had 37 open investigations.

## Training

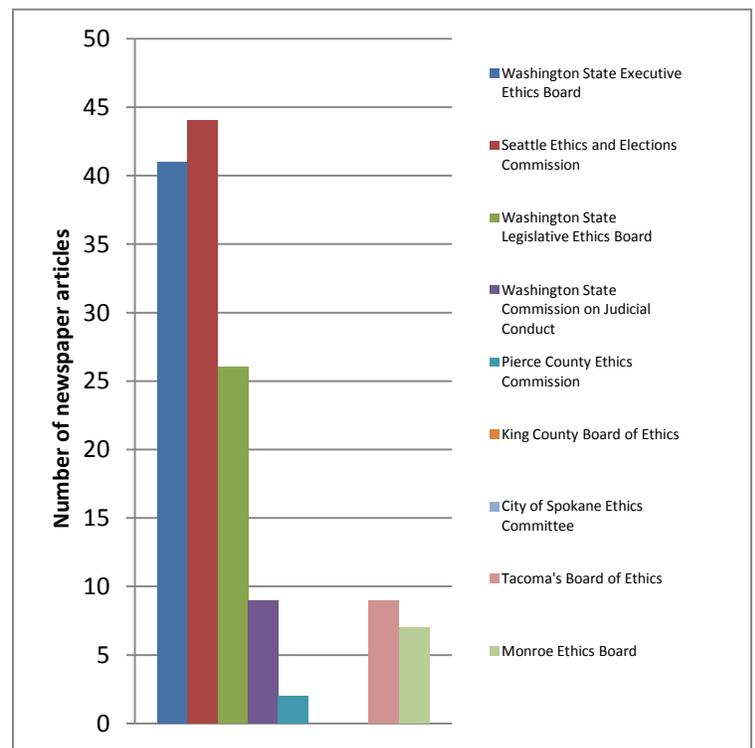
Ten of the states with executive boards had mandatory ethics training for all executive employees; the Ethics in Public Service Act does not currently mandate ethics training. Furthermore, these same boards provided an average of 53 ethics courses in 2010. In 2011, the Board's Executive Director (the Board's only trainer) conducted 44 live classroom trainings for over 1,900 state employees. In addition to classroom training, the Board offers a web-based Ethics Challenge. The Board's Ethics Challenge website received 11,634 hits in 2011.

There were many common training mediums that the reviewed ethics boards used last year:

- 91 percent have classroom training.
- 4 percent offer teleconferences.
- 22 percent offer videoconferences.
- 9 percent use videotapes.
- 26 percent distribute CDs or DVDs.
- 61 percent have web-based training.

## The Board's News Profile

The amount of news articles is a good measure of transparency to the public. The Board compared the number of newspaper articles published about local ethics boards and commissions issues/cases and benchmarked the Board's performance against these other boards. The graph charts 2011 publications from ten newspapers published within Washington state.<sup>6</sup> As indicated, the Executive Ethics Board was second, only to the Seattle Ethics and Elections Commission, on the number of newspaper articles published regarding its activities and investigations.



**2012 Board Goals and Initiatives:** Publish an additional five articles per year.

<sup>6</sup> Tri-City Herald, Bellevue Reporter, Spokesman Review, Bellingham Herald, Everett Herald, Columbian Herald, Yakima Herald, Seattle Times, the Olympian, and the Federal Way Mirror.

# Ethical Program Reviews

## *Ethical Culture*

To evaluate state agencies, the Board had to define what an “ethical culture” would consist of and then how to assess each agency to evaluate how well their program met the established definition.

In researching ethical cultures, the Board reviewed an article written in 2004 by the Institute of Internal Auditors Research Foundation entitled, *The Professional Practices Framework for Internal Auditing*. This publication listed eleven features that are critical for an ethical organization to possess. These elements are:

1. A formal code of conduct that is clear, understandable and related statements or policies.
2. Frequent communications and demonstrations of expected ethical attitudes and behavior by the organization’s leaders.
3. Explicit strategies to support and enhance the ethical culture with regular programs to update and renew the organization’s commitment to an ethical culture.
4. Several, easily accessible ways for people to confidentially report alleged violations.
5. Regular declarations by employees, suppliers, and customers that they are aware of the requirements for ethical behavior in transacting the organization’s affairs.
6. Clear delegation of responsibilities to ensure that ethical consequences are evaluated, allegations of misconduct are investigated and case findings properly reported.
7. Easy access to learning opportunities to enable all employees to be ethics advocates.
8. Positive personnel practices that encourage every employee to contribute to the ethical climate of the organization.
9. Regular surveys of employees, suppliers and customers to determine the state of the ethical climate in the organization.
10. Regular reviews of the formal and informal processes within the organization that could potentially create pressures and biases that would undermine the ethical culture.
11. Regular reference and background checks as part of hiring procedures, including integrity tests, drug screening and similar measures.

Using these features as a guideline, the Board developed a set of criteria that would indicate whether a state agency had an “ethical culture,” then surveyed state agencies to determine if they met the criteria. This measure will serve as a baseline for each agency and will be used to help them build on their ethical foundation in the future.

These criteria are:

1. A designated ethics advisor
2. A published ethics policy. An ethics policy that has been reviewed and approved by the Board provides agency employees with safe harbor<sup>7</sup>.
3. An ethics training requirement, both for new employees and on-going refresher training.

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<sup>7</sup> Under WAC 292-120-035, Safe harbor provision, the board encourages agencies to adopt policies that prevent agency employees from violating the Ethics in Public Service Act. Pursuant to RCW 42.52.360(4), the board may review and approve agency policies. In determining appropriate sanctions, the board may consider agency policies in effect at the time of the conduct.

#### 4. Documented ethics training.

Board staff surveyed all large agencies and each agency received a score based upon whether their ethical program met some or all of the above criteria. An agency can view the scoring rubric to learn about and adopt more effective practices. Although each agency is different and demands different forms of diligence to be effective, if an agency uses this criterion to brainstorm and innovate, they will have the tools to create and/or maintain an ethical culture.

### ***Scoring Criteria***

#### **1. Ethics Advisor:**

An ethics advisor is a member of an agency who is a point of contact between the Board and his or her agency, as well as the person identified within the agency from whom agency employees can seek ethical guidance. This person may attend Board meetings and/or advisor meetings, provide feedback on the Board's activities, receive and possibly distribute Board newsletters or other information and direct questions from employees to the Board or Board staff.

An agency either has an identified ethics advisor or it does not. An agency receives 100 points for identifying an ethics advisor. This criterion constitutes 30 percent of an agency's total points.

#### **2. Ethics Policy:**

As long as an agency's ethics policy contains information pertaining to the Ethics in Public Service Act (the Act), this policy qualifies as an ethics policy, even if it does not address every detail of the Act. By having the policy, the agency receives 80 points. An agency will receive an additional 20 points if the Board reviews and approves the policy. This criterion constitutes 10 percent of an agency's total points.

#### **3. Training Requirements:**

If ethics training is mandatory within the agency, the agency receives 100 points. If an agency offers optional training, the agency receives 50 points. This criterion constitutes 20 percent of an agency's total points.

#### **4. Comprehensive Ethics Training:**

The makeup of the actual training provided by the agency is a separately scored measure. A comprehensive training program not only provides a new state employee with a detailed description of the Act, but also provides recurring refresher training to career employees to make sure they are kept up-to-date on changes in the Act or how the Board interprets it.

There are several ways that agencies can provide their employees with ethics training:

- In-house training.

- If training has been created by an agency or by the agency's Assistant Attorney General, then it qualifies as an in-house training. If this training lasts between two and three hours, it receives 25 points; if it is longer than 4 hours, it is worth 50 points.
- If any in-house training has been reviewed by the Board on a recurring basis, then this training is worth as many points as the Board's trainings of the same length.
- Contract training provided by the Department of Enterprise Services.
  - "Sexual Harassment, Diversity, and Ethics Training," receives 60 points. Because there are two different trainers and three topics, the amount of ethics content fluctuates. However, the Board awards 60 point for this class despite this variable.
  - "Ethics in the State Government" receives 100 points.
  - "Ethics in Leadership & Decision Making" receives 90 points.
- The Executive Ethics Board offers a half-day, in-depth course designed for new state employees, which is worth 100 points.

For an agency's past trainings to qualify for points, these training practices must have been conducted in the last 5 years.

The points from this criterion consist of 25 percent of agencies' overall rating.

### **5. Renewal Training:**

After employees have taken a comprehensive training, preferably when hired, their knowledge should be regularly updated by taking renewal/refresher courses throughout their employment with the state. Refresher training can come in a variety of forms:

- Newsletters or other ethically relevant documents, which are less than 10 pages and are not the ethics policy, receive 10 points.
- Agencies that use the Board's online Ethics Challenge for refresher training receive 25 points.
- Agencies that require their employees to complete a self-trained, self-graded training, such as a booklet with cases and/or quizzes receive 40 points.

While these forms of renewal training have value, they are not interactive and might leave employees with unaddressed questions. Because of this, this type of training does not receive as many points as a live training. Live refresher trainings are as follows:

- Board-provided 1-hour hot-topics course receives 60 points.
- Board-provided 2-hour refresher course receives 100 points.
- In-house refresher training is defined as a training that is in-person and is at least 30 minutes long, but less than 2 hours. Depending on the length of the training, the points

will vary. For example, a 30-minute course is 30 points; a 1-hour class is 45 points; and a 90-minute session is 60 points.

- If an agency has a discussion-based training where employees talk about real-world issues that they face and work with their peers to find an answer, this will qualify as an in-house, renewal training.
- If an agency conducts a comprehensive ethics training more than every five years, this training can also fulfill the renewal-training criterion and earn an additional 100 points. The 5-year requirement is a derivative of the Sexual Harassment training requirement.

These training practices must have been conducted in the last 5 years to qualify for points.

Some agencies distribute the Ethics in Public Service Act as a form of renewal training. While this may renew employees' technical knowledge of the law, it does not provide any practical knowledge of how the law is interpreted or how it applies to their work environment. This type of training does not receive any points.

This criterion constitutes 15 percent of an agency's total points.

### ***Grading Scale***

After the scores are calculated with the weight of each criterion, the percentage of total points are ranked based on this grading scale:

No Stars	0-9 percent of the total points
★	10-29 percent of the total points
★★	30-49 percent of the total points
★★★	50-69 percent of the total points
★★★★	70-89 percent of the total points
★★★★★	90-100 percent of the total points

### ***Small Agencies***

Phase-one agencies and agencies with less than 11 employees were not rated due to their restricted resources. However, the Board still completed an abstract review.

Small Agency Services has 33 phase-one agencies, which currently fluctuate between 1 and 181 employee(s). The Department of Enterprise Services has furnished these agencies with an ethics policy template and mandatory trainings, including training by the Board for the agencies' Human Resources representatives.

Even though these phase-one agencies will not be rated, several agencies deserve recognition for their outstanding effort, for overcoming their lack of resources and for out-performing some larger agencies. The following agencies are recognized for their outstanding efforts:

- The Board of Tax Appeals, Washington State Arts Commission and the Environmental and Land Use Hearings Office have active ethics advisors.
- Eastern Washington Historical Society has a Board-approved ethics policy.
- The Department of Services for the Blind has an identified ethics advisor, a Board-approved ethics policy and requires mandatory initial and refresher ethics training.
- The Washington State Horse Racing Commission gives in-house renewal training and has an approved ethics policy.
- The Public Disclosure Commission has an ethics advisor and an in-house, 1-hour ethics training.

There are still some agencies that are not classified as the phase-one agencies yet are too small to be expected to meet the same requirements as a larger agency. Agencies with fewer than 11 employees were not rated.

### ***Consolidated Agencies***

In October 2011, five central agencies—the Departments of General Administration, Printing, Information Services, Personnel, and the Office of Financial Management—were merged into three agencies: Consolidated Technology Services, Department of Enterprise Services (DES), and the Office of Financial Management. While these agencies have already appointed ethics advisors, implemented new ethics policies and instituted ethics training practices, the agencies have not yet had adequate time to fully develop their programs. As a result, these three agencies were not rated.

In connection with this merger, the Office of the Governor has many staff members from Office of Financial Management. Because of this connection, the Office of the Governor was not rated.

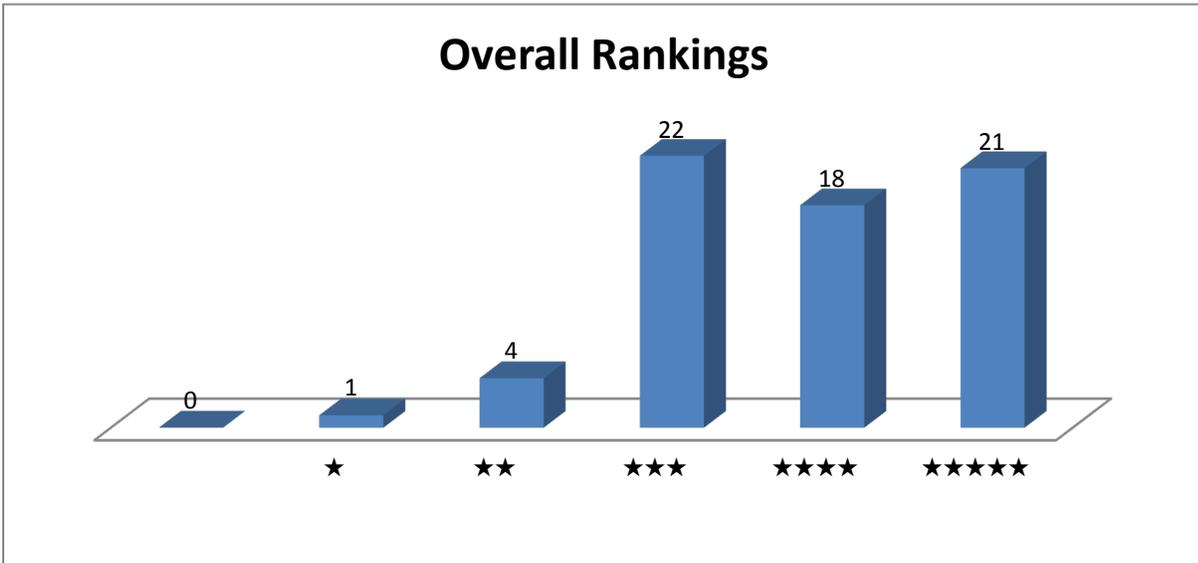
On July 1, 2011, the Growth Management Hearings Board was consolidated into the Environmental Land Use Hearings Office, and the Washington State Medicaid Program merged into the Health Care Authority. Since these agencies have had more time to build an ethical performance strategy, these agencies were rated.

### ***Key Findings***

The Board rated 66 agencies' ethics programs; several agencies were unable to respond due to the timing of the Board's queries but will be included in the next report period.<sup>8</sup> Board staff provided each agency with their initial rating and discussed how to improve their program. When all of the criteria were complied, agencies received the following rankings:

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<sup>8</sup> Bellingham Technical College, Center for Childhood Deafness & Hearing Loss, Everett Community College, Green River Community College, Lake Washington Technical College, Lower Columbia College, North Seattle Community College, Pierce College, Public Affairs Network TVW, Renton Technical College, Seattle Central Community College, South Puget Sound Community College, South Seattle Community College, Spokane Community College, Spokane Falls Community College, Walla Walla Community College, and Whatcom Community College.



The Board also found that:

- Ninety-five percent of the agencies had an ethics advisor.
- All agencies had an ethics policy; however, only 43.9 percent of the policies had been approved by the Board.
- A majority of the agencies (78.8 percent) require training for all of their employees. (In response to this criterion, many colleges and universities commented that this was a complex and hard-to-meet requirement because they have many different kinds of employees - some employees, such as student employees who only work for a quarter or semester, are difficult to train.)
- Sixty-two percent of the agencies offered a comprehensive ethics training. The sources of these courses were from:
  - the Board (37%)
  - contractors (18.5%)
  - Assistant Attorneys General (9.2%)
  - in-house trainers (35.2%)
- In contrast to comprehensive trainings, many more agencies (89.4%) had renewal training. Of this training, 61.1 percent was conducted in person, while the rest were online presentations, videos, newsletters, and other media. All renewal courses were offered by the following groups:
  - the Board (44.4%)
  - contractors (2.8%)
  - Assistant Attorneys General (2.8%)

- an agency (50%)

### ***2012 Board Goals and Initiatives***

The Board hopes to improve each agency's performance until each agency has five stars or exceeds these expectations by:

- Increasing ethics advisors to 100 percent
- Making agencies aware of the importance of having their ethics policies approved
- Giving universities and colleges tools to train different types of employees
- Creating lines of communication to the different ethics trainers
- Standardizing ethics courses
- Formalizing a method to review in-house training materials

# Surveys

## Employee Survey

Board staff deployed the employee survey to every known ethics advisor, human resource advisor and agency leader for them to distribute within their agency. Since the Board does not have access to a global listserv of all state employees, it had to rely on each agency to deploy the survey. Between December 14, 2011 and January 23, 2012, the Board received over 16,800 responses to the employee survey. The responses are as follows:

How familiar are you with your agency's ethics program?	Very Much 36.5%	Somewhat 47%	Not Very Much 12%	Not At All 4.5%
<b>To what extent do you believe that each of the following items describes an objective of your agency's ethics program? (rank in order of importance)</b>				
To prevent ethics violations				1
To educate employees on ethics standards expected of them				2
To ensure fair and impartial treatment of the public and outside organizations in their dealing with your agency				3
To strengthen the public's trust in State Government				4
To detect unethical behavior				5
To discipline violators				6
<b>How familiar are you with the rules of ethical conduct for state employees?</b>				
	Very 55.4%	A little 41%	Not at all 3.6%	
<b>Do these rules guide your decisions and conduct in connection with your work?</b>				
	Yes 91%		No 9%	
<b>Does your agency have a designated ethics advisor?</b>				
	Yes 33.1%	No 5.1%	Don't know 61.8%	
<b>Have you received ethics training while employed at your agency?</b>				
	Within the last 2 years 60.4%	Within the last 5 years 17.1%	Longer than 5 years 8.6%	Never 13.9%

In your opinion, how often do these types of conduct occur at your agency	Very Frequently				Never
a. Employees improperly giving gifts to their supervisors or accepting gifts from their subordinates?	3.4%	5.3%	10.4%	32.6%	48.3%
b. Employees improperly benefitting financially from work they do for the State?	2.1%	3.5%	7.1%	30.0%	57.3%
c. Employees misusing State property?	5.4 %	8.8%	16.1%	40.4%	29.3%
d. Employees misusing State positions?	5.6%	6.9%	10.7%	32.4%	44.4%
e. Employees misusing their official time?	9.3%	11.7%	18.0%	39.2%	21.8%
f. Employees in supervisory positions asking for donations from subordinate employees in connection with personal charitable activities?	2%	2.7%	5.7%	24.1%	65.4%
<b>From whom would you feel comfortable asking for ethical advice?</b>					
	Comfortable	Somewhat Comfortable	Frequently Uncomfortable	Always Uncomfortable	N/A
The Board	33.2%	28.1%	10.7%	13%	15%
An Ethics Advisor	42.9%	23.4%	6.2%	7.3%	20.1%
A Manager	52.7%	25.6%	8.7%	10.3%	2.7%
A Peer	52.2%	30.7%	7.1%	5.9%	4.1%
Other	24.4%	13.6%	4.3%	4.6%	53.1%
<b>Do you feel comfortable reporting unethical practices?</b>					
	Always Comfortable 24.2%	Somewhat Comfortable 45%	Frequently Uncomfortable 17.4%	Always Uncomfortable 13.4%	
<b>Leadership within my agency regularly show they care about ethics</b>			Yes 75.3%	No 24.7%	

<p>If an unethical action is broadly defined as a violation the Ethics in Public Service Act; other Washington State or Federal Laws, such as sexual-harassment, substance-abuse, or discrimination laws; and professionalism, then how ethical is the culture of the State Government?</p>	<p>Ethical 49.8%</p>	<p>Somewhat Unethical 35.8%</p>	<p>Frequently Unethical 12.7%</p>	<p>Never Ethical 1.7%</p>
<p>From all of your experiences in the State Government, how is ethical behavior—defined by the Ethics in Public Service Act—treated?</p>	<p>Rewarded 3.3%</p>	<p>Encouraged 63.9%</p>	<p>Ignored 26.6%</p>	<p>Punished 6.2%</p>

***Comments***

Some employees discussed the current training requirements:

“Employees should have ethics training refresher every year”

“I think the Ethics trainings should be mandatory for all state employees yearly or at least every two years”

There was a theme of comments that wanted changes to the ethics law:

“There is no whistle blower protection for reporting ethical violations”

“The state ethics law needs to be revisited re: employee computer usage. The world has changed and the state is not changing with it, making it harder for state employees to function in the mainstream of the American workplace. Social media is becoming increasingly interwoven with normal communications, and the state’s regressive view of the use of these communications channels is limiting the professional effectiveness of many of its employees—especially these who work within the communications profession.”

“The ethics regulations for the state of Washington make virtually no sense for professors in the colleges and universities. No professor sits on the board in spite of the fact that many violations derive from this sector.”

“Many of the state regulations make general sense, however, do not work in a college or university environment. Faculty are hired because we are the recognized experts in our fields, yet the ethics regulations discourage [sic] us from using materials that we produced on those subjects where we are the recognized experts”

Similar to the former employee survey, a major theme in the responses was about leniency on managers for wrongdoing while lower level employees are more frequently and more severely punished. For example:

“the Director of my department was found guilty by the Compliance dept of my work and no discipline was given even though other employees guilty of the same misbehavior were terminated.”

“The lower your position in the organization, the higher the scrutiny and discipline. The higher punish the lower personnel, but who patrols the leaders? No one wants to address the unethical behavior at the top and its always dismissed cleverly with terms like ‘de-minimus use’ and ‘other duties as assigned’ Convenient loop holes for those at the top.”

## ***Key Findings***

In the 2010 and 2011 surveys, employees had a slightly different perception of the role of the Board. When they were asked to rank the importance of the Board’s responsibilities, employees gave the same rankings as the former year with the exception of valuing the maintenance of fair and impartial treatment to the public over strengthening the public’s trust in the state government. In addition to this change, there were several other differences:

### **Improvement:**

- Employees’ perception of leaders’ ethical concern went from 70.5 percent to 75.3 percent.
- More employees (3.8 percent) could identify an ethics advisor in their agency than last year.

### **Deterioration:**

- Employees’ familiarity with the ethics law dropped by 5 percent.
- There was a .9 percent decrease in the amount of employees who use the ethics law as a guide for their decisions and conduct at work.
- There was a slight decrease—1 percent—in the amount of respondents who felt trained in ethics.

## Leadership Survey

Board staff deployed a separate survey to agency managers and leaders to get their perspective on their agency’s ethics program. Board staff asked every known ethics advisor, human resource advisor and agency leader to deploy the leadership survey to their agency management. This survey was available between December 14, 2011 and January 10, 2012. During this time, over 550 individuals responded. The responses are as follows:

As a leader at my agency, I include discussions of ethics when talking with my employees.	Always 13.9%	Frequently 69.9%	Rarely 16%	Never .2%
My agency follows up on ethical concerns that are reported by employees.	Always 70.7%	Frequently 23.9%	Rarely 5.3%	Never 0%
My agency makes a serious effort to detect violations of ethics standards.	Always 47.2%	Frequently 41.7%	Rarely 10.8%	Never .4%
I hold myself accountable for ensuring my employees understand and follow the ethics code and agency policies.	Yes 98.5%	No 1.5%		
I talk about ethical issues and conduct at staff meetings and employee meetings.	Always 20.9%	Monthly 41.9%	Yearly 33%	Never 4.3%
I base my decisions at work on the ethics code.	Always 73.1%	Frequently 23.5%	Rarely 3.3%	Never .2%
I encourage my employees to identify ethics violations without fear of retaliation or reprisal.	Always 65.5%	Frequently 23.5%	Rarely 8.8%	Never 2.2%
I know who to contact in my agency if I have an ethical question.	Yes 87.7%	Somewhat 10.9%	No 1.5%	

Leadership of this agency shows that it cares about ethics.	Always 64%	Frequently 29.1%	Rarely 6.7%	Never .2%	
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I have had proper resources and management and leadership training to	1 (Inadequate Resources )	2	3	4	5 (Adequate Resources)
a. Investigate ethical violations	6.8%	9.5%	19.2%	26.4%	38.1%
b. Update employees on recent the Ethics Board's decisions	7.3%	12.2%	20.2%	24.0%	36.6%
c. Have ethical discussion topics for staff meetings	2.2%	10.2%	19.3%	31.0%	37.7%
d. Council employees on ethical matters	2.4%	7.8%	14.8%	31.1%	44.1%
e. Support employees' ethical behavior	1.1%	3.4%	8.7%	31.8%	56.5%
f. Discipline employees' unethical behavior	5.2%	9.8%	15.3%	27.1%	43.5%
g. Reduce hostility directed toward a whistleblower	5.8%	8.6%	17.9%	25.3%	42.8%

### *Comments*

“More discussion in current training would be useful as well as knowing the whistleblower program is still operated by the State Auditor's Office - having the department do it does not sound like a good idea.”

“Proper resources are devoted primarily to what I would consider minor ethical violations. The large ethical violations are not discussed and hostility occurs toward the accuser if the violations are openly presented. Examples include...Establishing special priviledges [sic] and promotions for employees and their spouse brought at the state's expense from other countries.”

“Would be nice if our HR Department sent out a quarterly tidbit we as managers could bring up at staff meetings. I'll admit I could use the outside prompt to help me bring these issues up at staff meetings.”

“We have both online and in person training for all staff (exempt/administrators, classified, faculty, part time hourly). We physically mail our ethics brochure to every employee's home address annually. Our procedure is available online for all employees through our intranet. We

have conducted ethics/whistleblower investigations with delegated authority from both the Executive Ethics Board and State Auditor's Office.”

**Key Findings**

**Improvements from 2010:**

- Over 99 percent of leaders base some of their decisions on the ethics law which is a 1.7 percent increase.

**Deterioration from 2010:**

- The rate of leaders who always discussed ethics when talking with employees dropped by 33.3 percent.
- The rate of leaders who hold themselves accountable for educating and ensuring compliance with the ethics law dropped by 1.5 percent

**2012 Board Goals and Initiatives**

- Create and distribute ethical discussion materials for managers to use during employee meetings
- Improve distribution of newsletters about the Board’s decisions
- Create and implement standardized tools for agencies to investigate ethics violations

**Vendor Survey**

Board staff wanted to have stakeholders, including state vendors, provide input and feedback, so it deployed a survey to 6,000 vendors through the General Services Administration, now part of DES. To distribute the survey, DES sent the survey link and an overview of the reason behind the survey to vendor organizations and requested that they distribute it to employees who have direct contact with the state. The survey was left open from November 9, 2011 to January 10, 2012.

Board staff received 165 responses. The responses are as follows:

Question		
Has your business been provided with any information regarding the Ethics in Public Service Act and how it pertains to contracting with the state?	Yes 31.1%	No 68.9%

Have you been informed that state employees may not receive gifts from you if they are contracting with you and/or a company you work for?	Yes 66.7%	No 33.3%		
How familiar are you with the rules of ethical conduct for state employees?	Very Much 26.2%	A Little 46.3%	Not Much 14.6%	Not at All 12.8%
Do these rules guide your decisions and conduct in connection with contracting with the state?	Yes 67.1%	No 32.9%		
Are you aware of how to file a complaint about a violation or ask for advice about the Ethics in Public Service Act from the Executive Ethics Board?	Yes 23%	No 77%		
Would you feel comfortable filing a complaint about a violation or asking for advice about the Ethics and Public Service Act?	Comfortable 66.6%	Somewhat Uncomfortable 32.1%	Uncomfortable 7.3%	
Does your company have an ethics policy or rules for ethical conduct?	Yes 82.9%	No 17.1%		
From your experience, do state employees have a commitment to maintaining an ethical culture?	Committed 65%	Somewhat Committed 22.5%	Not Committed 12.5%	
From your experience, do some state employees personally benefit from state contracts with vendors?	Yes 24.1%	No 75.9%		

### ***Comments***

“To be candid, all of our interactions with State of Washington officials have been extremely professional. If we go to lunch or dinner, the individuals from the state are quick to tell the waiter that separate tabs are required. Everything has been very above board, and we very much appreciate this fact.”

“While I'm not overly familiar with the State of Washington's Ethics and Public Service Act, I have a solid understanding of government ethics in general. I understand the prohibition of gifts or favors to any state employee with whom me or my employer is contracting. I recognize some

government agencies allow gifts not to exceed \$25 (give or take a few dollars) per year and others don't allow any. All of which is accepted and understood by me and my employer. I'm unaware of any Washington State employees benefiting from any contract with one or more vendors. But there have been many irregularities and questionable decisions on extensions [sic] regarding certain long-term contracts”

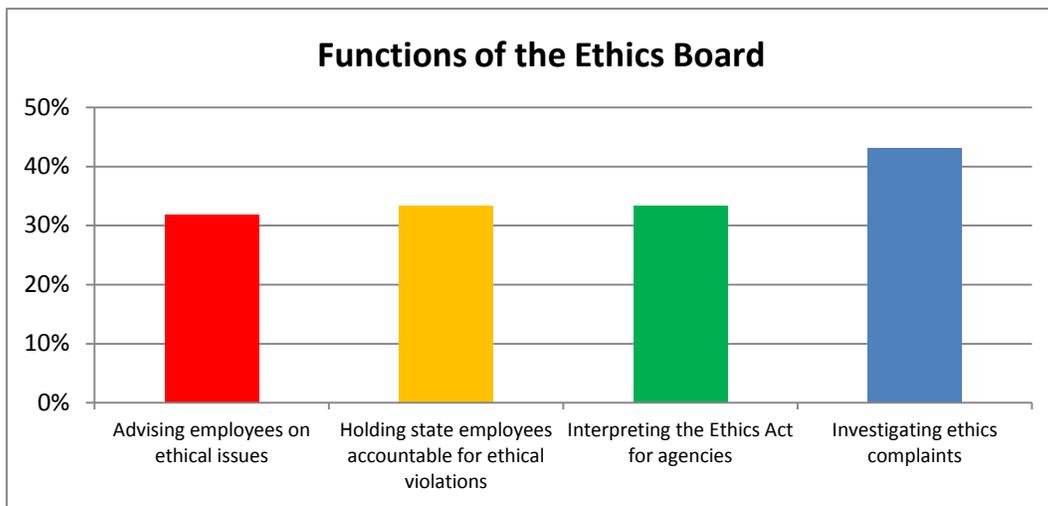
“I could write a manual on state employees personally benefiting for state contracts. Everyone no that a fact!!!! [sic]”

**2012 Board Goal**

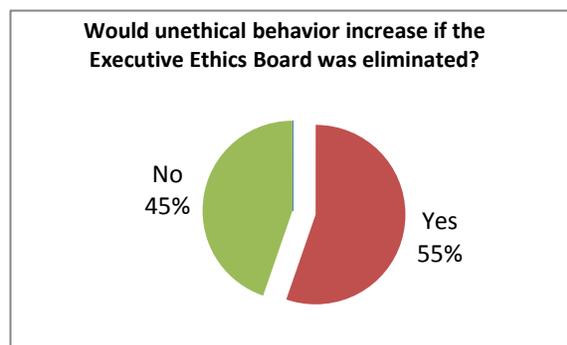
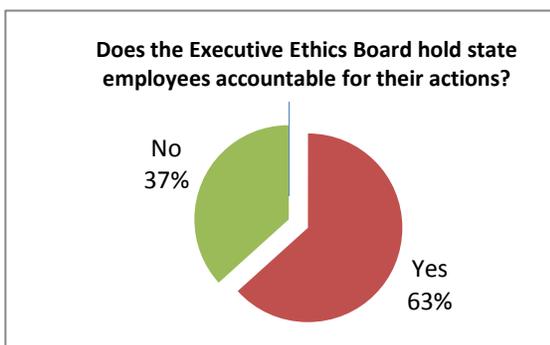
- Provide the Board’s contractor pamphlets to employees who have direct contact with contractors.

**Public Survey**

Since 2010, the Board has had a link to a public survey on its website to gather the public’s perceptions. Based upon responses to this survey, the public ranks the Boards functions almost equally as follows:



The public also believes that the Board holds state employees accountable for their actions and unethical behavior would increase if the Board was eliminated:



# Coordinating with Others

## ***Overview***

The Executive Ethics Board routinely works with the Commission on Judicial Conduct, the Legislative Ethics Board and the Public Disclosure Commission (PDC) on items of mutual interest or to discuss or resolve similar issues.

## ***Legal Defense Funds Working Group***

In 2010, the PDC invited representatives of the Legislative Ethics Board, the Executive Ethics Board and the Commission on Judicial Conduct to participate in a roundtable discussion on legal defense funds. A fund defined as a separate account (separate from a campaign account or other account) established by a candidate or public official to defray attorneys' fees and other legal costs incurred for the candidate's or public official's legal defense. "Public officials" are persons filing personal financial affairs reports with the PDC. As a result, a Legal Defense Funds Work Group of those agencies' staff was created.

The Work Group met throughout 2011 to research legal defense funds and review other jurisdictions' experiences and laws. The group reviewed Washington laws including RCW 42.17 (campaign finance and personal financial affairs disclosures) and RCW 42.52 (state ethics laws). The results of this joint research project were summarized in an August 18, 2011 *Legal Defense Funds Work Group Report*. The report contained two staff recommendations describing that:

- The public would be interested in requiring disclosure of the identity and contribution amount of persons donating to a public official's or candidate's separate legal defense fund, if such funds are created.
- Depending upon the facts, under current law a donation to a separate legal defense fund of a state official subject to RCW 42.52 could be considered a "gift."

Copies of the report were made available to the participating boards and commissions in the joint research project. Given its role and prior interest, the PDC became the "lead" agency on this subject. As a result, the PDC drafted legislation to address legal defense funds in Washington and provided that information to interested legislators and legislative staff.

## ***Other Projects***

The Executive Ethics Board has also partnered with the Commission on Judicial Conduct, the Office of Administrative Hearings, the Board of Industrial Insurance Appeals and the Attorney General's Office to provide joint ethics training and panel discussions to a myriad of state agencies.

### ***Project Management Institute***

Board staff also partnered with the Project Management Institute and other private, non-government organizations to present an 8-hour training session regarding ethics as it relates to organizations of every size and type.

### ***Personal Service Contract Managers***

The Board staff annually gives a presentation at the Personal Service Contracts Overview, a 7-hour class for agency personnel who manage personal service contracts. In the presentation, the staff distributes informational materials and informs the agency personnel about conflicts of interest, post-employment laws, special privilege and use of state resources.

### ***Northwest Ethics Network***

In 2011, representatives of the Board joined the Northwest Ethics Network (the Network). It was created in 1993 by Seattle University's Albers School for Business and Economics and is a conglomerate of local ethical leaders from over 30 non-profit, corporate, and government organizations. For example, Seattle Ethics and Elections Commission and the King County Ombudsman represent government programs while Microsoft, Boeing, Starbucks and others speak for corporate ethics and compliance programs. Since the Network's inception, it now has sub-groups that meet on different topics, such as policy management. By participating, the Board:

- receives feedback on its current practices and statewide plan,
- benchmarks against others' performance,
- learns about and adapts to other organizations' successful ethics strategies,
- builds a stronger ethics community in Washington State.

# **Elements of the Washington State Quality Award Criteria**

Board staff compared the Board's organization, strategic planning, performance measures and outcomes with the criteria set forth in the Washington State Quality Award. Each category is discussed below.

### ***Category 1 - Leadership, Governance & Social Responsibility***

The Board is comprised of five members appointed by the Governor for five-year terms. Two of the five members must be current state employees, one an exempt employee and one a classified employee. One of the remaining three members of the Board is selected from names provided by the State Auditor's Office; one from names provided by the Attorney General's Office; and one is a citizen-at-large. Except for initial members and those completing partial terms, members serve a single five-year term during which time they may not hold partisan or full-time nonpartisan elective office, make campaign contributions, or lobby other than on matters relating to the ethics law. The members play a crucial role in the policy setting and enforcement of the Ethics Act.

Board staff is comprised of an Executive Director, Administrative Officer and Investigator. There are no layers of supervision in that all Board staff report to the Executive Director. Funding and support for these positions is provided by the Attorney General's Office (AGO) with a biennial budget of \$772,080.

The Executive Director reports to the AGO's Chief of Staff. Board staff complies with all of the AGO's policies and procedures and follows the AGO's Performance Management System in which each staff member's work performance is evaluated on an annual basis against mutually agreed upon performance goals. Performance goals are discussed throughout the year, with staff receiving formal interim performance reports at least once during the performance year to ensure that they understand the performance goals and that they are progressing toward reaching the goals.

Board staff is housed in an AGO-leased facility.

The Board's budget is derived from the Legal Services Revolving Fund and is separate from the AGO, and the Board must reimburse the AGO for all legal work as well as purchase all materials and supplies from that budget.

### ***Vision and Mission***

The Executive Ethics Board is statutorily tasked with enforcing the Ethics in Public Service Act, RCW 42.52. The Board's mission is to promote integrity, confidence and public trust in state government through education, interpretation and enforcement of the Ethics in Public Service Act. The Board develops a strategic plan at their annual retreat and Board staff is tasked with carrying out the plan's strategic goals.

While the Board sets policy for the executive branch ethics program, the head of each agency has primary responsibility for the ethics program within that agency. To support the day-to-day activities of the ethics program, each agency's head selects an individual to serve as the agency's

ethics advisor. Currently, there are approximately 75 ethics advisors working across 81 state agencies, 34 community and technical colleges and six public colleges and universities. Board staff works along side this ethics community by providing oversight, advice, and training.

The Board's customer groups include state agencies, state employees and separately-elected officials, the media and the public. State employees, state officials, state agencies and the public are also the Board's stakeholders since they are all affected by the Board's actions.

The Board has no key suppliers.

### ***What the Board Doesn't Do***

The Board has no role in the ethics programs of the legislative or judicial branches of the state government. Similarly, the Board has no jurisdiction over state or local government ethics programs or K-12 ethics programs.

### ***Communication and Organizational Performance***

The Executive Director works directly with the Board staff on a daily basis. The Executive Director meets with the Ethics Advisory Group (consisting of representatives from state agencies) after every Board meeting to discuss Board opinions, interpretations or other ethical issues that may impact their agency. The Executive Director uses the Ethics Advisory Group as a sounding board for proposed rulemaking and other actions proposed by the Board.

The Executive Director publishes a newsletter after each Board meeting that is distributed to all Ethics Advisors, Human Resource Managers and Assistant Attorneys General to ensure they are kept abreast of Board opinions and case dispositions. This newsletter is posted to the Board's public website as well.

The Executive Director reports a number of performance measures on a monthly basis to the AGO, the Board and the public at large and on an annual basis as part of the Board's annual report. These performance measures include the number of complaints received, complaint disposition, timeliness of investigations, ethics questions researched, advisory opinions published, number of contracts reviewed, policies approved, ethics training sessions provided and number of state employees trained and amounts of penalties.

The Board actively solicits input from public stakeholders via a public survey located on the Board's website (see the "Surveys" section) and through discussions with local civic leaders (see "Coordinating with Others" section).

Board staff participates in community service projects and diversity programs through the AGO.

## ***Category 2 – Strategic Planning***

Board members, the Executive Director, and Board staff participate in the strategic planning process that occurs at the annual Board retreat. All ethics advisors are invited to participate and their comments are solicited by the Executive Director.

The strategic plan consists of the Board's mission statement and a list of goals that it wants to accomplish within the next 5 years. Each year, the plan is reviewed, and changes are made to the goals to incorporate changes in the law, technological developments, budget constraints, stakeholder desires and public opinion. In 2009, the Board revamped its mission statement and participated in a day-long brainstorming session to develop goals and initiatives required to implement the goals. The Board's goals are:

1. Promote knowledge of the Ethics in Public Service Act to all state employees and officers.
2. Evaluate and improve complaint process.
3. Develop methods and procedures to evaluate and ensure compliance with the Ethics Act.
4. Evaluate staff capacity and training to meet organizational challenges.

All of the Board's responsibilities are statutorily mandated, so any significant changes to those responsibilities would require legislative action.

The Board's website continues to be the main source of information for state agencies and the public at large, it is updated after every Board meeting and at any time when new information is available. In keeping with technological advancements and the public's need for real-time information, the Board updated their website in 2010 to include a "Board Blotter" section that provides news releases on current case dispositions, a blog where anyone can ask the Board a question regarding an ethical issue, and a public survey. The Board plans to update the public website in 2012 to include performance metrics.

### ***Category 3 – Customer Focus***

The Board's key customers and stakeholders are complainants, state employees, officials, and agencies in the Executive Branch of state government. The Executive Director routinely requests input from the Ethics Advisory Group on how to better serve the needs of state agencies. Ethics advisors are asked to provide comments and suggest improvements when updating rules to ensure the changes are consistent with the needs of their agencies.

The Board assists customers—including agency advisors, state employees, elected officials and the public at large—via e-mail, the phone, or face-to-face meetings. Board staff routinely answer hundreds of queries a year from customers regarding ethical situations and how to effectively handle these situations.

The Board is currently developing a customer survey that will be provided to agencies and complainants after the completion of an investigation to gather feedback on timeliness and thoroughness of the Board's investigative process and how the progress of the investigation was communicated to all interested parties.

Currently, the Board's ability to develop and gather these measures is constrained by limited staff and a reduced budget. Further, redesigning training programs and developing an online training module and a train-the-trainer program has been placed on hold due to lack of resources.

#### ***Category 4 – Measurement, Analysis, and Knowledge Management***

Every month, the Board gathers workload data but is just beginning to develop and measure true performance based upon client needs. The compilation of the workload data is communicated via an annual report published within the first quarter of each calendar year. This report is uploaded to the Board's website for all to see.

Board staff developed and deployed a survey to state employees to gather information on their agency's ethical culture (see the "Survey" section). Board staff also developed "scorecard" to measure each agency's ethics program based upon four criteria and will use this information to help improve the agency's ethics program (see the "Scorecard section").

Other measures of effective and efficient performance are currently being developed by the Board. Some have been completed and can be measured; others require more development before collection can begin. Board staff estimates that these measures will be collectible during calendar year 2012.

#### ***Performance measures (some under development)***

Timeliness of investigations – Target: completed within 180 days.

Settlement of cases to minimize the cost to the public – Target: 90 percent.

Effectiveness of ethics training (under development) – Target: 90 percent improvement of knowledge of Ethics Act. (Currently the Board uses attendee evaluations to determine effectiveness of training. In 2012, Board staff will develop a pre and post test to evaluate whether the attendee's knowledge of the Ethics Act has increased as a result of the training received.)

Communication of Board information – Target: increase the hits on the website by 20 percent

Ethics questions answered in timely manner (under development) – Target: 90 percent same day.

Timeliness of contract approval (under development) – Target 95 percent within 3 business days.

Customer satisfaction (under development).

#### ***Category 5 – Workforce Focus***

The Executive Ethics Board has a staff of three full-time employees and one volunteer extern. They fall under the Attorney General's Office (AGO) for human resource, budget, information

technology and employee training support. Each employee meets with their immediate supervisor annually to discuss performance goals for the upcoming year and to determine any training needs required to enhance the employee's skills, knowledge and abilities. At this meeting the two develop a performance plan with measurable goals to be achieved during the performance period. During this performance period, the employee meets with their immediate supervisor to discuss progress on completing the goals as well as to make any necessary adjustments. At the end of the performance period, the immediate supervisor completes an evaluation, gathering input during a 360° review of the employee's performance and begins developing the performance plan for the next cycle.

The AGO's performance management system was one of the first in the state and is lauded for its use of employee input, customer feedback and stretch goals. Board staff will continue to be a part of this system for the indefinite future.

Board staff are encouraged to attend training provided by the AGO or the Department of Enterprise Services and does so frequently. The Executive Director routinely attends Core Management training as well as continuing legal education courses offered by the AGO.

Board staff meets bi-weekly to discuss cases, training, upcoming projects or Board actions. They work in a very collaborative environment, and the size of the Board's workforce enables them to participate in many in-house programs together. Board staff regularly participates in Wellness programs, diversity and breast cancer awareness programs, and charity and holiday events. There have been no employee grievances or disciplinary actions in the past four years, and no turnover, other than a retirement in the past two years.

Newly appointed Board members meet with Board staff to review Board policies and meeting protocol. Each member is given a copy of the Ethics Act, all associated rules, the Open Public Meeting Act and the Administrative Procedures Act. Board members also attend the New Board and Commission Member training provided by the Governor's office.

### ***Category 6 – Operations Focus***

The Board's strategic objectives are mandated statutorily and the overall operational focus remains unchanged from year to year unless the legislature amends the law to add, delete or refine the Board's mandate. However, the means of accomplishing the mandate are left up to the discretion of the Board and Board staff and have evolved as technology and information access have improved.

The Board's key processes are to provide advice to agencies regarding ethical issues, promulgate rules to implement the Act and take enforcement action against state employees who violate the Act.

The Board staff's key processes are to investigate complaints, provide ethics training to all state agencies, review and approve or disapprove all contracts between state employees and other state agencies, provide informal advice regarding ethics in the workplace to ensure that state officers and employees perform their public responsibilities with the highest ethical standards, and

conduct the business of the state to advance the public’s interest and not use their position for personal gain or private advantage.

Board staff used a value stream mapping methodology to delineate each type of investigation based upon input from Board investigators and client agencies from acceptance of a complaint for filing to either dismissal of the case or transference to the assigned Assistant Attorney General for litigation. The outcome of this mapping was the development of investigation timelines for each type of case with critical activities required each step of the way. These timelines are used to ensure that investigations are proceeding along a critical path and that all steps in the process are accomplished and tracked.

The Executive Director translates job-specific competencies into the training and performance plans of the Board staff.

The Board’s website contains all of the enforcement actions that have been completed since the Board’s inception as well as all of their formal advisory opinions. After each meeting is concluded, Board staff also posts Board meeting minutes, the *EEB Newsletter*, and a synopsis of the Board’s actions.

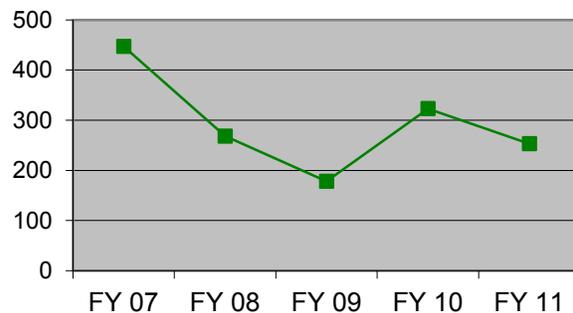
### ***Category 7 – Results***

#### ***Product and Process Outcome***

Timeliness of investigations – Target: completed within 180 days.

The target is to complete routine investigations within 180 days. In July 2010, one of two investigator positions became vacant and remained so for the entire fiscal year. In June 2011, the remaining investigator retired, leaving a vacancy for 3 months resulting in a backlog of cases. For CY 2011, the average number of days to complete an investigation was 253, down from 323 days in 2010. This number has been improving since the investigator position was filled.

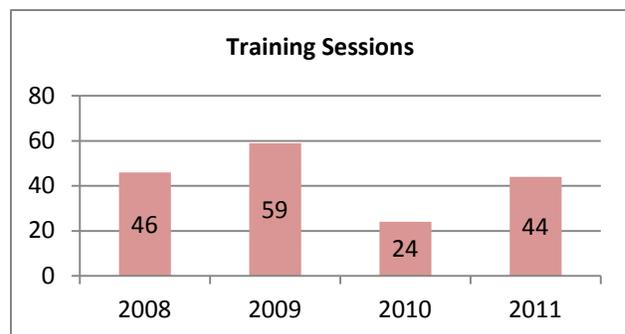
**Average Days to Complete Investigation**



#### ***Customer-focused performance results***

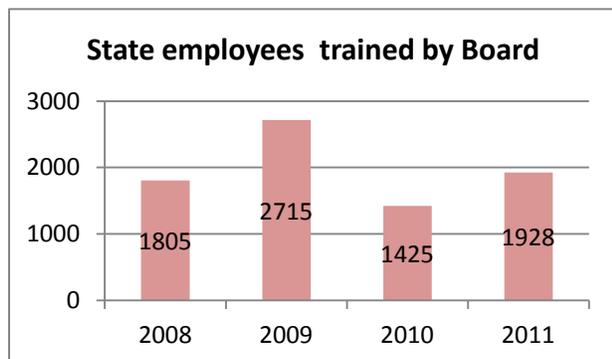
The Board offers free training to any state agency. The Executive Director provides the training and will travel to agency locations across the state to ensure all agencies have equal access to the training. In 2011, the Executive Director completed 44 sessions,

**Training Sessions**



including three sessions in Olympia that any employee could attend. The remaining 41 sessions were at agency-specific locations throughout the state.

Number of participants:



### *Training satisfaction*

The four-hour ethics training class (full session) is measured by an evaluation form containing seven rated questions. The rating on each question ranges from 0-4, with “0” being the lowest rating and with “4” the highest. Underneath the rating, each question had blank lines for additional comments. The evaluation form also contained one open-ended question for participants to write in their own comments about weaknesses, strengths, and where improvement is needed.

Questions	Score				
	0 (Not at All)	1	2 (It's Still Unclear)	3	4 (Very Much)
I understand the purpose of the Ethics Act.	0%	0%	2%	30%	68%
I can identify two prohibited uses of state resources.	0%	0%	1%	16%	83%
I understand the basic gift rules.	0%	0%	3%	36%	62%
The instructor knew the material.	0%	0%	0%	7%	93%
The material and handouts were understandable.	0%	0%	2%	24%	74%
I will use the information in my daily work environment.	0%	1%	4%	33%	62%

Overall how would you rate the course?	0%	0%	1%	22%	77%
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### ***Comments***

“I liked the content (short, sweet, with pointers to WSEEB for further consideration and follow-up).”

“The ‘test your knowledge’ activity is great, learner-driven, self-directed instrument. Engaging. If possible, as appropriate for the guidance, consider small breakout group activities (2-3-4 people per group) to activate learning on various ethics tenets”

“Use less state resources make people attend less frequently or do it online to cut down on travel.”

“Maybe a full day class to allow more time for answering individual questions. Good class! Thank you!”

“I will share this info with my staff”

“All of this needs to be explained fully to any candidate for employment prior to them accepting the job offer.”

### ***2012 Board Goals and Initiatives***

- Develop online ethics training.
- Clarify the gift rules and the purpose of the ethics act in the training.
- Create a pre- and post-training test to evaluate the effectiveness of the training.

### ***Communication of Board Information***

The Board’s website is a major tool used to communicate Board decisions, enforcement actions, and policy reviews. In 2010, the Board’s goal was to increase the hits on the website by 20 percent. To do so, Board staff began issuing press releases after every final enforcement action taken by the Board to encourage the public as well as state employees to visit the website. The results of this metric will not be available until the next measurement cycle. According to their 2011 annual reports, Nevada’s Commission on Ethics received 12, 000 users in 2011,<sup>9</sup> and Massachusetts’ State Ethics Commission received 97,140 visitors.<sup>10</sup> By contrast, the Board received 108,994 guests.

<sup>9</sup> Nevada Commission on Ethics, *Annual Report: 2010-2011*, p. 4.

<[http://www.ethics.nv.gov/COE\\_website\\_files/coe\\_fiscal\\_reports/Full%20Annual%20Report%202010-11.pdf](http://www.ethics.nv.gov/COE_website_files/coe_fiscal_reports/Full%20Annual%20Report%202010-11.pdf)>.

<sup>10</sup> Massachusetts State Ethics Commission, *Fiscal Year 2011 Annual Report*, p. 11. <

<http://www.mass.gov/ethics/press-releases-meetings-and-publications/annual-reports/>>.

Other than the 16,890 hits on the Board’s homepage, the most popular pages are for training:

- Ethics Challenge (11,634 views)
  - ✓ 3,941 test takers completed the quiz
- The Board’s online training PowerPoint presentation (7,482 views)
- Contracting with the state agencies (1,235 views)

There are mixed results concerning whether traffic was accessing information about the Board itself. For example, while the “board staff” page had 1,568 visitors and its “contact us” page had 1,457 guests, the “about us” page only received 703 hits and the “organizational chart” only had 791 views.

Web-pages about fines and enforcement were particularly popular. The “results of enforcement” page had 5,081 guests. The most popular press release (562 views) on the Board’s site was the “State Ethics Board imposes largest-ever penalty” page.

Regarding complaints and whistleblower complaints, there were 1,003 visitors to the “file a complaint” but only 528 of these visited the “download the complaint form” page and only 42 of these forms were submitted to the Board. The “Whistleblower Information” page was accessed 743 times.

The top three most viewed advisory opinion topics were:

- Use of State Resources (1,269)
- Gifts (533)
- Activities Incompatible with Public Duties (521).

### ***2012 Board Goals and Initiatives***

- Increase overall views by 20 percent
- Map the website differently to make information about the Board more prominent and accessible to increase internet traffic and awareness.
- Inform agencies about the rate their employees take the training since many agencies require this training and might want to verify that employees are taking the test.

### ***Ethics Questions***

Ethics questions answered in timely manner (under development) – Target: 90 percent same day.

### ***Timeliness of Contract Approval***

Timeliness of contract approval (under development) – Target: 95 percent within 3 business days.

### ***Customer Satisfaction***

Customer satisfaction (under development).

### ***Workforce Focused Performance Results***

Board staff's performance is measured against their performance plan and whether each employee met or exceeded their stated performance goals. These goals are specifically tailored to each employee's position description and delineate performance expectations, expected key competencies and key results. For the past four years, Board staff have met or exceeded all of their performance goals.

### ***Leadership and Governance Results***

N/A due to Board staff's size.

### ***Financial and Marketplace Results***

Settlement of cases to minimize the cost to the public.

